Supreme Court, U.S.
FILED

10-973 JAN 19 2011

OFFICE OF THE CLERK

Case No.----------

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIAM SMITH (PRO SE)

Petitioner

V.

ALVIN FRIEDMAN, ET AL SUBSTITUTE TRUSTEE

Respondent

On Petition for writ of Certiorari to The DIRECT COURT OF APPEALS MARYLAND OF P.G. COUNTY 7TH Circuit, Jurisdictional Rights mandatory and constitutional guaranteed protection Rights.

PETITION FOR WRIT OF CERTIORARI

William Smith (Pro se) Petitioner
1001 Saddle Hill Rd
De land Fl. 32720
ph# 386-734-0476

(a)- QUESTIONS PRESENTED FOR REVIEW

(1) Weather trial court lack standard jurisdictional, rights, violated defendants statutory mandate, legislative rights, to attach its power, on Court manifest err. To this extrinsic fraud admitted foreclosure case. Reversible err.

(2) weather trial court lack standard due process rights , violated defendants (Maryland article 24.due process Rights Protection. And due process amendment #5 constitutional guaranteed protection Rights against . Right to be heard and timely, defense by impartial, hearing is for constitutional justice.

(3)Weather trial court lack standard due process, and equal protection Rights, violated defendants strict scrutiny Rights to this differential treatment. Respondent did not deny. Filed admission defense, petitioner must be acquitted. Appeal Court err unconstitutional.

(4) Weather the standard genuine material facts in Evidence lack support for trial court practice of law , violate the defendant Rights, safety and protection of the evidence Rights, petitioner made to pay over, and over, for ever for a crime court know he did not commit. Reversible err.

(5) Whether the circuit court of Maryland lack of legal standard (pro se) petitioner protection, by its ignorance of the law, can side step law, and watch its err destroy the innocent petitioner .and family life forever.

(b)- LIST OF PARTIES

[ ] All parties do not appeal in the caption of the case on the cover page. Alist of all parties to the proceeding in the court who's judgment is the subject of this petition is as follows.

Agent #1 Case CAE-97016794 (Extrinsic Fraud jurisdictional) Respondent substitute trustee Supreme Court bar Kenneth J. Mac Fadyen, P.A. Totman Building Suite 400, 210 E. Redwood Street Baltimore MD. 21202–PH# (410)-685-1763

Agent #2 Case CAE-97016794 (Extrinsic Fraud jurisdictional) Constitutional Direct appeal to Respondent Alvin Friedman, Substitute trustee-- Express Waiver Admission Defense 8-13-07 Case # (07-11). Lack jurisdictional authority, respondents Attorney John R. Fischel Miles & Stockbridge, P.D. #10 Light street Baltimore MD.21202— PH# (410)-727-6464

(e)**JURISDICTION ON WRIT OF CERTIORARI**

[] For case CAE-97-016794 Extrinsic Fraud, Maryland Direct Court of appeals (Court of Last Resort on lack of Jurisdictional Mandate Rights .

[i] Unreported opinion of the Court of Special Appeals P.G. County Maryland 7th Circuit order No. 906 Sept Term 2005.Standard authority Maryland as per rule 8-114 unreported opinion.

Appendix (1)

[ii] Court of appeals.-- Petition docket No. 142 (Sept term 2010) Smith Vs. Friedman. Upon Consideration of the petition for a Writ of Certiorari in the Court of Special Appeals filed in the above entitle case, it is. ORDERED., By the Court of Appeals of Maryland, That the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public's interest. /s/ Robert M Bell Chief Judge date. July 23rd, 2010

Appendix (2)

[iii] A Timely petition for rehearing reconsideration, was therefore denied on the following date October 22nd 2010. And a copy of the order denying reconsideration appears as appendix (b) the jurisdiction of this court is invoked under 28 U.S.C. 1257(a).

Appendix (3)

STATUTORY PROVISIONS

[IV]- Maryland State Statutory provisions legal jurisdictional Mandatory Mandate as required by law. State and Federal. Review Granted constitutional guaranteed due process. State of Maryland Article 24. Federal Constitutional guaranteed Amendment #5.– State and Federal Review Granted Constitutional Due process and equal protection strict scrutiny Amendment #14.

(f) CONSTITUTIONAL GUARANTEED LAW.

(f)-Constitutional Provisions- Statutory Law State Article 24 Due process Constitutional guaranteed. And federal Constitutional Guaranteed due process Amendment #5 Life, Liberty and Property the right of every man.

[ ] Maryland State rely on Direct Attachment to Federal Constitutional Guaranteed Per the Supreme Court as Direct Authority (Case Law)

(g)- CONCISE STATEMENT OF THE CASE

MAXIM- Kill the means, and you kill the case.

Bank of America, Intrinsic Fraud Case CAL-99-15740 knowingly filed a fraud foreclosure, the bank would not, could not, verify any legal debt, as True as a matter of law. NOTE- Maryland Court of Appeals in err .? lost this case as per this date.!?

Genuine Material Fact (No. 1) lack jurisdiction. Bank of America attorney Friedman's (Respondents) Extrinsic fraud foreclosure Case CAE-97-16794 , out ward acts to date indicate the thoughts hidden within respondent mind . The respondent knowingly with knowledge, motive, intent filed this illegal Extrinsic fraud foreclosure, to docket, to this end, to defraud the legal process.

Trial court, and respondent lack any legal debt, or compelling Mandate jurisdictional Rights per law, to take defendants home, as a matter of any law .!?

Without legal notice summons service to the defendant to defend, to be heard . Respondent to proceeds on this bad faith course of fraud on the court. Case Could not rest on jurisdictional law.

Knowing the burden of proof rested on the bank's records, that could not be verified as a debt as a matter of law .Respondent knew Legal jurisdiction burden of proof, act could not be attach to the circuit court of Maryland, AUTHORITY to exercise its legal power, over this case to this end , as a matter of law. Respondent file for an illegal (Ex parte) court summary judgment, by the same manner that is not enforceable by law, is in conflict with other state courts and state court of appeals of last resort. (*Respondent should have never file this case .!?*

Without any legal notice, summons, service to the defendant to awaken to defend, to be heard. Respondent act to proceed on this bad faith course of fraud, and fraud on the court to this end. Case can never rest on legal jurisdictional law.!? This act is unconstitutional by law.

Knowing its burden of proof rested on the bank's records, that could not be varified as a legal debt, as a matter of law. Respondent knew legal jurisdictional burden of proof, this act could not be attach to the circuit court of Maryland Authority to exercise its legal power over this case, to this end. As a matter of law.

Respondent filed for an illegal (ex parte) court summary judgment by the same manner, that is not enforceable by law, is now in conflict with other states courts, and state court of appeals authority of last resort. MAXIM- A judicial act before one not a judge (or without jurisdiction) is void; as to a ministerial act, from whosoever it (proceeds) let it be valid.!?

Petitioner must not, be made to pay for ever, for the respondents known crime, an court err let the respondent go free.!?

MAXIM-Surely we ought to be helped by a benefit, not to be entrap by it. (RESPONDENT Express Waiver)

GENUINE material fact (No .2) Lack DUE PROCESS

Respondent did not deny, this crime as stated.!? Party who do not deny admits.

Petitioners Case is compelling trial court and court of appeals err. Knowing the respondent has violated the defendants Maryland article 24 due process rights, and legal constitutional guaranteed rights of due process

amendment #5 as per the law of the land standard requirements as a matter of law.!? was without any legal cause. Is of imperative public safety, importance interest and court practice of article 24 due process Maryland standard requirements, that do process is the right protection of everyone.!?

That no man ought to be taken or imprisoned or disseized of his free holding liberties or privileges, or out lawed exiled or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or by the law of the land., Ch. 681, ratified nov. 7, 1978) Normal appellate practice requires immediate legal determination by court of appeals. Court, law, justice, must speak with one voice if justice is to prevail. !?

CASE LAW- As are litigants in civil matters. Litigants in civil matters are as much entitled to due process of law, and all it implies as or defendants in criminal prosecution

The constitutional guarantees apply alike to rights of Life, Liberty, and property. Schiller V. Lefkowitz, 242 Md. 461, 219 A. 2d 378, Cert. (1966)

NOTE- The Maryland court of appeals has construed "LAW OF THE LAND" as these words appear in this article, to be synonymous with due process of law.) As that phrase is used in the 14th amendment. Mclver V. Russell, 264 F . Supp. 22.(D. Md. 1967) .

NOTE- Defendant had a right of trial by jury lost by this illegal act, contrary to standards of law.

Genuine material fact(No. 3) *Lack DUE PROCESS DUE PROCESS AND EQUAL LEGAL PROTECTION.* Respondent did not deny.!? admit

Compelling Prejudice presumed where defendants

rights, constitutional rights are violated. The defendant has every right , to be present at every stage of a fair hearing, fair and impartial trial. FACT- Constitutional Rights guaranteed equal protection. No valid proceeding can be legally had a against a person until said person awaken, properly notified.

State of Maryland States clearly. Decisions of the supreme court are practically direct authorities. The Maryland court of appeals has held that in construing this article the decisions of the united states supreme court on the 14th Amend are practically direct authorities. Mclver V. Russell, 264 F. Supp: 22 D. Md. 1967). -- Court of Appeals reach out to the U.S. Supreme Court FOR necessary direct authority.!?

NOTE- Trial Court Maryland violated defendants Rights of due process and equal protection, Rule 2-535(b) - Revisory Power fraud, mistake, irregularity, can be raised anytime. Court would not honor legal process law.

Maryland trial court and court of appeals failed to honor any of the pro se defendants rights of protection to safe guard rights of law to this end.

NOTE- Legal jurisdictional rights of the defendants can be raised anytime, also as a matter of law. And is mandated, mandatory to all courts. !?

NOTE- The same rights that the respondent exercise, is the same rights the defendant possess to defend to this end. MAXIM- This case is not impossible , for defendants rights, resting on statutory law, Constitutional guaranteed law, which has a legal remedy, resting on justice for all.

Genuine material fact(No. 4) The Best , tangible, clear and convincing Evidence in the records, would

not, could not, support the trial courts Extrinsic Fraud jurisdictional, and constitutional guaranteed rights err.

FACT (A)- No Fair, impartial jury would have sustain the bank intrinsic fraud, and the respondents extrinsic fraud foreclosure to this end.

FACT (B)- The Bank of America filed, of its own free will, its Express waiver of admission defense in the U.S. Supreme Court, to confirm, and corroborate the (Pro se) petitioners material facts, to this end.

respondent express waiver of legal admission defense needs no legal necessary justice argument

MAXIM-A person who due not deny admits. MAXIM- It is better to suffer every wrong than to consent to this wrong. These obvious facts are not in need of any proof,

NOTE- The trial Court had no legal jurisdictional mandate authority Rights , no legal due process Guaranteed Rights, No legal due process and equal protection guaranteed strict scrutiny rights, for this admitted differential treatments as a matter of any law

Court ignorance of jurisdictional law mandate and constitutional guaranteed law protection is of no excuse to this end. The law always abbors this great delay, the law is the peoples legal conscious, their dictate of reason. The Law can not fail in dispensing justice in this case, by speaking with one voice. The voice of the court judgment is always taken for truth certiorari will correct this untruth. **Court violated the rights**

The trial Court had no legal right to take the petitioners property. No court should make a petitioners pay again, and again for a crime the court now know the petitioner did not commit The law is the law.!?

Pray, Supreme Court will grant writ

(h) Direct and Concise Argument

***Petitioners compelling concise argument is confirmed & corroborated by respondents, supreme court express waivers of admission defense. Court took home in full public view. * Admission defense need no argument.**

(1)- Petitioner should not be entrapped by this benefit Respondent did not deny .!? ADMIT. Did not meet its burden of proof. Need no argument.

(a)- Court must grant equal justice to all that plead before said court strict scrutiny. (1) Must not depart from words off law .!? (2) Bank can not verify debt, there is no debt for trial court err (no case).!?

(b)- Maryland 7 circuit Trial Court was not legally correct, as a matter of law.*injustice Can't prevail.

(c)-Maryland Circuit Court of Special Appeals, unreported opinion has no value. Is the jurisdictional Bar of the trial court err to this end, as law.!?

(d)- Maryland Circuit Court of Appeals was not legally correct. Reviewed exceptions, not raised as part of the legal framing of this case for this injustice.

***ISSUE (1)- Supreme Court Supervision necessary granted on compelling reasons. The Maryland Courts lack legal jurisdiction per State and Federal statutory law, Mandate. Also lack legal jurisdiction per Maryland legal foreclosure, TO rule 14-203 -204. Respondent admits this truth.**

*** ISSUE # (2)- Courts was not legally correct, by violating petitioners constitutional guaranteed due process standard protection of every person**

***ISSUE #(3)-Court violated the petitioners rights of due process and equal protection strict scrutiny.**

Facsimile/Signature/Exact Copy
Unreported. In the court of special appeals of Maryland
No. 906 Sep Term, 2005
William Smith V. Alvin Friedman ET.AL. Substitute Trustees
Murphy, C.J.,-Getty, James S. (Ret, Specially assigned), Rodowsky, Lawrence F.-(Ret, Specially assigned),-- JJ.—Opinion by Getty, J.—filed: April 28th, 2006—CAE:-97-16794

Compounding the absent of an Appealable issues is appellant's in ability to st This matter originated with a foreclosure sail filed in 1997 by the Substitute trustees in their capacity as foreclosure counsel to Bank of America. The property, being foreclosed for default in payments on a promissory note, was the residence of William Smith, appellant, who resided in prince George's county.

The contretemps of this foreclosure action are that, after four appeals, all denied adversely to appellant, neither the Supreme Court of the United States, the court of appeals, the Court of special appeals, nor the Circuit Court of prince Georges County can dissuade appellant from continuing this futile efforts to resuscitate his claims of fraud, mistake or irregularity in the foreclosure proceeding.

ate clearly and concisely his response to the ruling he has appealed into prior unreported proceedings before this court, similar problems arose. In William Smith V. Bank America Mortgage, FSB, No.1832,September Term 1999, this court stated: "Smith has appealed to

this court from the child's court's decision. His arguments on appeal or for the most part, unintelligible."

In William Smith V. Bank of America F.S.B., No.1351 Sep term ,2002 commenting on appellant's "Unfortunate" decision to represent his self, this court stated: "ignorance of procedure can prove Lethal to this case for a novice such as Smith in Smith's case, it has foreclosed his opportunity to attempt to prove that the sale was the result of fraud.! Unfortunately, Appellant has not excepted the court's advice.

It is of no consequence, how ever, that the appellant is representing himself because we require that all parties comply with the rule appellate procedure

The procedural evidentiary and appellate rules apply alike to parties and their attorney's. No different standards apply when parties appeals pro se.—Tretick V.Layman, 95 Md. App.62,86 (1993).

THIS CASE

A Foreclosure action was filed by the substitute trustees end 1997, and a foreclosure sale was conducted on July-27-1998 the bank purchased the property for $110,835.00. the sale was ratified of Nov-9-1998 and no exceptions was filed.

The matter was referred to a court auditor, who reported on April 15-1999 that the Nets proceeds for the sale resulted in a deficiency of $1,158.34. appellate filed and exceptions to the auditor's report and, prior to a hearing on its exceptions, on July-21-1999, he filed suite against the bank, alleging that Bank Employees fraudulently altered his check.He did no

seek to void the foreclosure, but he request damages in the amount of $1,500,00.

Appellant's Exceptions to the auditors was over ruled by the circuit court in Sept.99 following the affirmance of the auditor's report, appellant filed his first appeal to this court, not with standing that the foreclosure was then and enrolled judgment. He alleged in his appeal that the foreclosure sale was contained by fraud, deception, and irregularity. This court held that the appellant failed to present any creditable evidence to a trial court of fraud, mistake or irregularity, as contemplated by the rule 21-535 that would warrant vacating the enrolled judgment ratifying the foreclosure sale of appellant's house.

Undaunted by this court's denial of his motion to revise the judgment of the trial court, appellant filed a petition for writ of certiorari, which the court of appeals denied on or about June 25th, 2001 appellate filed a petition for writ of certiorari to the Supreme Court of the United States.

In addition to this actions filed against the substitute trustee appellant filed and action against Bank America and Attempted to raise the same issue that was raise in the foreclosure case against the same party. The complaint was dismissed by the trial court with prejudice in Aug.25th -2002. On Aug 19th-2002 another appeal was filed. William Smith V. Bank America Mortgage F.S.B. No.1351, Sep term 2002. In an unreported filed June 24-2003 this court affirm the judgment in favor of the bank, based upon the doctrine of Res Judicata.

Again, appellant sought review by the court of Appeals and by the Supreme Court, both petitions were denied. In September-2004 and on January 3rd 2005, April 13th 2005, and May 25th 2005 appellate motion alleging "illegal jurisdiction" which resulted in the trial court (platt, J.) Stating the appellant's motion was with out merit and has previously been denied by the court on May 16th 2005. Thus, appellant ignored May 16th denial of his motion by Judge Platt and refiled the same motion nine days later.

Appellant's most recent appeal, date, June 27th 2005, we presume is in response to Judge Platt denial of the appellant motion questioning the court's jurisdiction, We note that, in appellants motion filed in the Supreme Court against the substitutes trustees and against Bank America, the respondents in each case filed a notice with the court stating that "I do not intend to file a response to this petition for a writ of certiorari unless one is requested by the court." Despite the fact that both petitions were denied, appellant construes the respondent's electing not to file a reply as an admission of guilt in the allegedly unlawful foreclosure proceedings.

For the final time, we instruct appellate that the foreclosure proceeding had been upheld by ever court from the Circuit Court of Prince George's County through the Supreme of the United States. Any attempt by appellant to continue filed frivolous motions or appellants relating to foreclosure proceed will not warrant a response beyond denied "denied"

Further consideration for this case will be a waste of judicial resources and any added expensive to the appellant neither is justifiable.

Appeal Dismissal; Costs Will be Paid by appellant

Appendix #1 appear from this dates events after

IN THE COURT OF APPEALS OF MARYLAND
PETITION DOCKET NO. 142 Sept Term, 2010 (No. 906, Sept term, 2005 Court of Special Appeals

William Smith Petitioner V. Alvin Friedman, et,al., Substitute Trustee

ORDER

Upon Consideration of the Petition for a Writ of Certiorari to the Court of Special Appeals filed in the above entitled, case it is ORDERED, By the Court of Appeals of Maryland, that the petition be, and it is hereby , denied as there has been no showing that review by certiorari is desirable and in the Public's Interest.

/s/ Robert M. Bell Chief Judge Date July 23rd 2010

APPENDIX (2)

IN **THE COURT OF APPEALS MARYLAND**
PETITION DOCKET NO. 142 Sept term 2010
(No. 906, Sept. Term 2005 court of special appeals)

William Smith petitioner. V. Alvin Friedman, et al
Substitute Trustee

ORDER

THE Court having considered the motion for reconsideration filed in the above entitled case , it is

Ordered by the court of appeals of Maryland that the motion for reconsideration be; and it is here by, denied.

/s/ Robert M. Bell – Chief judge– Dated Oct 22nd 2010

APPENDIX (3)

(g-i)) **CERTIFICATE OF COMPLIANCE**

CASE NO.----------

WILLIAM SMITH
(PRO SE) Petitioner

V.

ALVIN FRIEDMAN et, al.
Respondent

As Required by Supreme Court Rule 33-1 (g) cover color white. 5 page word limit 1,500 words. I William Smith Certify that the petition for this writ of certiorari contains 1495 Words. Excluding the parts of the petition that are exempted by supreme court rules 33-(d).

AFFIDAVIT

I William Smith (pro se) petitioner Certify under the penalty of perjury, certificate of word count compliance is a good faith count in this request for petition for writ of certiorari is true and correct executed Jan 19 -11

RESPECTFULLY
SUBMITTED

William Smith 1001 Saddle hill rd Deland fl. 32720
ph#386-734-0476

(vi) CERTIFICATE OF COUNSEL

Presented in all good faith (pro se) Petitioner William Smith, 1001 Saddle Hill Rd,. De land, Fl. 32720 ph # 386-734-0476

I William Smith (pro se) petitioner certify in all good faith and not for delay, 3 copies of this request for writ of Certiorari petition, was sent Jan. 19 11 to respondent attorney of record **CAE-97-016794** John R. Fischel of miles & stock bridge P.C. # 10 LIGHT STREET BALTIMORE Maryland 21-202, P# (410)-727-6464

Respectfully Submitted

(Pro se) Petitioner Jan 19-11

AFFIDAVIT

I William Smith (pro se) Petitioner , Certified under the penalty of perjury, the foregoing petition for writ of Certiorari Requested , and the facts merit evidence, record herein are true and correct, executed Jan, 2011

RESPECTFULLY SUBMITTED

1001 Saddle Hill Road De land Fl. 32720 ph# 386-734-0476.